



BY-LAW 2014-23

A By-law to amend Road Occupancy By-law 2013-136

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. That Section 1 of Road Occupancy By-law 2013-136 be amended by adding the following definitions:

“Publication” means a newspaper or other similar printed document which is published.

“Publication Dispensing Box” means a container placed, installed, used or maintained for the dispensing of a single publication to the public either for financial consideration or free of charge.

“Publication Dispensing Unit” means a single container placed, installed, used or maintained for the dispensing of two or more publications of the same or different publishers to the public, either for financial consideration or free of charge.

2. That Section 7.1 of Road Occupancy By-law 2013-136 be amended by deleting the existing Section 7.1 and replacing with the following:

7.1 No person shall in relation to *Publication Dispensing Boxes or Publication Dispensing Units*:

- 7.1.1 place, install, use or maintain a *publication dispensing box* or a *publication dispensing unit* on a highway without having obtained a *Road Occupancy Permit* pursuant to this by-law;
- 7.1.2 place, install, use or maintain on a highway within the City a *publication dispensing box* or *publication dispensing unit* at a location that is not approved or prohibited by the Director of Operations or installed in a manner that is not approved or prohibited by the Director of Operations;
- 7.1.3 place, install, use or maintain on a highway within the City a *publication dispensing box* or *publication dispensing unit* that is not in conformity with the standard size, dimension and other technical or physical requirements established by the Director of Operations;
- 7.1.4 fail to maintain a *publication dispensing box* or a *publication dispensing unit* on a *highway* in accordance with the terms and conditions set by the Director of Operations and the *Road Occupancy Permit*;
- 7.1.5 fail to provide on or before February 1st of each year to the Director of Operations an inventory, in the prescribed form, of all *publication dispensing boxes* or *publication dispensing units* on *highways* within the *City* under control of the person.
- 7.1.6 permit third party advertising, signs or notices on a *publication dispensing box* or *publication dispensing unit* and the advertising of the permit holder shall be limited to one side of the *box* or *unit* only.

7.1.7 a *publication dispensing box* or *publication dispensing unit* may be removed from a *highway* by the *City* in accordance with by-law provisions where:

- 7.1.7.1 the *box* or *unit* is left unstocked with current publications for a period greater than twenty one (21) consecutive days;
- 7.1.7.2 the *box* or *unit* having been vandalized or damaged is not repaired within forty-eight (48) hours of *Notice* from the *City*; or
- 7.1.7.3 the placement, installation and maintenance of a *publication dispensing box* or *publication dispensing unit* does not comply with all requirements, terms and conditions contained in a *Road Occupancy Permit*, this by-law or any policy established by the Director of Operations regulating *publication dispensing boxes* or *publication dispensing units* and a *Road Occupancy Permit*.

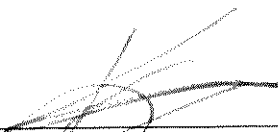
7.1.8 The Director of Operations may, at the sole expense of the applicant, and in accordance with a policy established by the Director of Operations regulating *publication dispensing boxes* and *publication dispensing units*, require the temporary relocation of a *publication dispensing box* or *publication dispensing unit* or suspension or revocation of a permit if such temporary relocation of a *publication dispensing box* or *publication dispensing unit* or suspension or revocation of a *Road Occupation Permit* is necessary for:

- 7.1.8.1 the interests of pedestrian, vehicular or public safety;
- 7.1.8.2 to accommodate a special event; or
- 7.1.8.3 to accommodate the construction, maintenance or repair of a *highway*, transit facilities or a public utility or service.

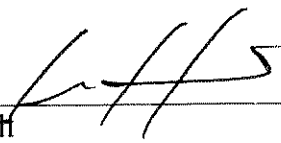
3. That #23 and #24 of Schedule 'A' to By-law 2013-136 be amended by inserting the following new charges and renumbering the Schedule accordingly:

23	Publication Dispensing Box & Publication Dispensing Unit Permit	\$50/\$100	\$50 for first fifty (50) boxes or units and \$100 per box or unit thereafter
24	Publication Dispensing Box & Publication Dispensing Unit Permit	\$25	Cost per location to assess new locations as proposed by the applicant

Read a first, second, and third time and passed on March 5, 2014.



Kimberley Kitteringham
City Clerk



Jack Heath
Deputy Mayor